

Introduced by Senator Leslie

February 27, 1997

An act to add Section 806 to the Evidence Code, relating to evidence.

LEGISLATIVE COUNSEL'S DIGEST

SB 941, as introduced, Leslie. Evidence: DNA profile.

Existing law governs the admissibility of evidence in criminal proceedings.

This bill would specify that evidence of a DNA profile, as defined, is admissible in any criminal proceeding to prove or disprove the identity of any person if the movant first satisfies specified conditions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 806 is added to the Evidence
2 Code, to read:

3 806. (a) Evidence of a DNA profile is admissible in
4 any criminal proceeding to prove or disprove the identity
5 of any person if the movant first satisfies each of the
6 following conditions:

7 (1) Notifies the other party or parties in writing at least
8 45 days before the hearing in which the DNA profile is to
9 be introduced.

- 1 (2) Provides, if requested in writing, the following
2 items to the other party or parties at least 30 days before
3 the hearing in which the DNA profile is to be introduced:
- 4 (A) Duplicates of actual autoradiographs generated.
 - 5 (B) The laboratory protocols and procedures used.
 - 6 (C) The identification of any probe used.
 - 7 (D) A statement describing the methodology of
8 measuring fragment size and match criteria.
 - 9 (E) A statement setting forth the allele frequency and
10 genotype data for the appropriate data base used.
- 11 (b) If the movant is unable to provide any of the
12 information required by subdivision (a) at least 30 days
13 prior to the hearing in which the DNA profile is to be
14 introduced, the court may grant a continuance to permit
15 timely disclosure.
- 16 (c) As used in this section, “DNA profile” means an
17 analysis that uses the restriction fragment length
18 polymorphism analysis of deoxyribonucleic acid resulting
19 in the identification of a person’s patterned chemical
20 structure of genetic information.

